

23 February 2017

Richard Johnson
Manager EEZ Applications
Climate, Land and Oceans Group
Environmental Protection Authority
Level 10, 215 Lampton Quay
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6140

Dear Richard

TTRL Application Hearing

I refer to your letter addressed to WorkSafe's Chief Executive, dated 26 January 2017, requesting advice and information from WorkSafe under section 44 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act) to better understand the responsibilities of an agency with marine management responsibilities.

I have provided a response to the questions set out in your letter, as follows:

1. *'A statement to explain WorkSafe's responsibilities in managing health and safety matters and other relevant matters while the Integrated Mining Vessel and the Floating Storage and Offloading Vessel are anchored, and when the anchored vessels are a structure. This statement should specify the statutory regime that applies, and WorkSafe's approach to compliance with that regime.'*

For regulatory responsibilities in connection to the Health and Safety at Work Act 2015 and any applicable subsidiary regulations, jurisdiction of TTRLs activities is determined by whether the operation is operating as a vessel or a structure. WorkSafe has jurisdiction whenever the Integrated Mining Vessel is tethered to the seafloor (by more than one anchor, such as while it is mining) or when it is anchored for the purposes of exploration. MNZ has jurisdiction at other times.

WorkSafe approaches its regulatory function in accordance with its [enforcement policy](#).

2. *'A statement to explain what, if any, processes or procedures will be used by WorkSafe to co-ordinate respective statutory duties with Maritime NZ given that periodically the vessels will not be fixed by anchors on the sea bed, and when moving will be considered vessels.'*

WorkSafe and Maritime New Zealand have a memorandum of understanding covering their interaction on safety regulation matters. The two agencies also have experience of regulating FPSO activities in the Petroleum regime that have led to the development of regular operational meetings to coordinate inspection activity. These arrangements will be built on for the TTRL activity if required.

We would require the operator of the activity to inform us of when a change of activity is planned to allow adequate coordination of regulatory oversight.

Given the nature of the operation, the approach WorkSafe will take is to work closely with Maritime New Zealand to ensure that there are no gaps between the jurisdictions.

WorkSafe will support Maritime New Zealand with technical advice and other assistance if required while it is under their jurisdiction, and vice versa in accordance with the memorandum of understanding and existing operational arrangements.

While the activity is in WorkSafe's jurisdiction, any issues relating to marine matters that are outside of WorkSafe's routine experience, such as stability control, will be supported by either contract expertise, or by assistance from Maritime New Zealand in accordance with the MoU.

If TTRL's application is approved, WorkSafe and MNZ will work together to set up a system of inspections befitting the level of risk TTRL's operation entails. If enforcement action is required, consultation will take place to ensure that the correct organisation is taking the lead.

3. *'An assessment of the appropriateness and adequacy of TTRL's operational proposal and description of the Safety Case as set out in the second statement of Shawn Thompson's evidence for TTRL titled "Operational Description".'*

Insufficient information has been provided to make a firm conclusion on the appropriateness and adequacy of the safety case.

Yours sincerely,

A handwritten signature in black ink that reads "W.A. Vernon." The signature is written in a cursive, slightly slanted style.

Wayne Vernon
General Manager – High Hazards and Energy Safety